

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

ELOISE THOMAS,

Defendant.

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**FILED**  
U.S. DISTRICT COURT  
W.D.N.Y.

2/9/07

AT \_\_\_\_\_

BY \_\_\_\_\_

TITLE \_\_\_\_\_

07-M-2013

**SPEEDY TRIAL ORDER**

(February 7, 2007 - March 7, 2007)

On February 7, 2007, the parties appeared the Court for a preliminary hearing. Assistant United States Attorney appeared on behalf of the government; the defendant was present along with her counsel, Roxanne Mendez-Johnson

At that time, the parties requested that the Court grant a continuance of proceedings in this action in order to afford government and defense counsel an opportunity to engage in voluntary discovery and attempt to reach a pretrial disposition in this matter.

On the basis of the representations of the parties, the Court scheduled a status conference in this action for March 7, 2007. With the consent of counsel for the defendant, the Court further excluded the time in this action from and including February 7,

2007, to and including March 7, 2007, as being in the interest of justice and not contrary to the interests of the public and the defendant in a speedy trial pursuant to 18 U.S.C. § 3161(h)(8)(A).

Specifically, and for the reasons set forth above, the Court determines that the public's interests in conserving prosecutorial resources by avoiding needless pretrial litigation, avoiding the time and expense of both a trial and a likely appeal, combined with the potential for a conviction obtained through the defendant's guilty plea, outweigh the public's interest in a speedy trial. Furthermore, the defendant's interest in obtaining the benefit of a lesser sentence which will likely accompany a pretrial disposition of this matter outweighs the defendant's interest in a speedy trial.

**NOW**, it is hereby

**ORDERED**, for the reasons set forth above that the matter scheduled for February 7, 2007 is hereby adjourned until March 7, 2007; and it is further

**ORDERED**, that the time in this action from and including February 7, 2007, to and including March 7, 2007, is properly excluded from the time within which an Indictment or Information

must be filed in this matter, in accordance with the Speedy Trial Act, pursuant to Title 18, United States Code, Section 3161(h)(8)(A).

The Court further finds that as of March 7, 2007, no days of Speedy Trial Act time will have elapsed in this action and 30 days remain in the period within which an Indictment must be returned in this matter.

DATED: Buffalo, New York, February 9, 2007.



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HONORABLE HUGH B. SCOTT  
United States Magistrate Judge